



The Netherlands

## Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I for  
ships of which the keel is laid on or after August 20<sup>th</sup> 2013.

*(NOTE: This Declaration must be attached to the ship's Maritime Labour Certificate)*

Issued under the authority of the **Government of the Netherlands**  
by  
**the Minister of Infrastructure and Water Management**

With respect to the provisions of the Maritime Labour Convention, 2006 ("MLC, 2006, as amended" or also referred to below as "the Convention"), the following referenced ship:

Name of Ship	IMO Number	Gross tonnage
Scheepsnaam	IMO nummer	STON_BRUTO_TONNAGE_69

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the MLC 2006, as amended are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced to below; explanations concerning the content of those provisions where they differ from the MLC 2006, as amended are provided where necessary;
- (c) the details of any substantial equivalencies under article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below;
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.

**1. Minimum age (Regulation 1.1)**

The Working Hours Act, art. 1:2, 2:8, 3:1 and 3.2 (1 and 2), further specified in the Further Regulation Child Labour, art. 1: 1 (2 h), decrees that no person younger than 16 years may work as a seafarer, in accordance with the MLC 2006, as amended. The Seafarers Act art. 120 states that a ship's cook is at least 18 years old.

The Working Hours Decree Transport, art. 6.1.2 and 6.5.3, decrees that no person younger than 18 years shall work during night-time, in accordance with the MLC 2006, as amended.

A young seafarer has a rest period of at least 12 hours in each 24 hour period, of which at least 9 hours are uninterrupted and in which the period between 00:00 and 05:00 hours has been included.

The Working Hours Decree Transport, art. 6.5.3 (3b), decrees that a person younger than 18 years may work during night-time in an effective training program, in accordance with the MLC 2006, as amended.

The Occupational Safety and Health Decree, art. 1.1 (5), 1.36, 1.37 and 6.27 prohibits persons under 18 from performing dangerous work, in accordance with the MLC 2006, as amended.

**2. Medical certification (Regulation 1.2)**

The Seafarers Act, art. 19(1a.3), 25a, 40, 40a, 41, 45 and 47, and the Decree Seafarers Merchant Shipping and Sailing Ships, art. 104, 105, 107 and 113, require that all seafarers shall be medically certified and carry a medical certificate in accordance with their function, in accordance with the MLC 2006, as amended.

**3. Qualification of seafarers (Regulation 1.3)**

The Seafarers Act, art. 18, art. 19, 19a (1 and 2), 25, and 25b, specifies the qualification requirements in accordance with the STCW 1978, as amended, and with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 119, requires a qualified medical doctor in accordance with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 120 (1), requires a ship's cook or a person trained or instructed in the fields of food, personal hygiene and handling and storage of provision on board in accordance with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 40 (5 and 6), requires all seafarers to meet the appropriate standards in accordance with the STCW 1978, as amended, Regulation A-VI/1, safety familiarization.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 41 (4), requires all seafarers to meet the appropriate standards in accordance with the STCW 1978, as amended, Regulation A-VI/6 paragraphs 1-4, security related familiarization.

**4. Seafarers' employment agreements (Regulation 2.1)**

The Civil Code Book 7, art. 693-695, 697-699, 717-720, 722-725, 734, 734a-734l, 735-738 and the Seafarers Act, art. 38 and 69c (1 and 2) and 69d, sets the requirements of the seafarer's employment agreement in accordance with the MLC 2006, as amended.

In case that, in accordance with the Maritime Labour Convention, 2006, article VI (3), regarding substantially equivalent provisions, the substantial equivalency under Dutch Law for employers other than the ship owner is applied, the following Acts and Articles apply:

The Civil Code, Book 7, art. 690, 693, 694, 735, 736, 737 and 738.

The Code of Civil Procedure, art. 6(b).

In case that this substantial equivalence is applied to temporary agency work, the following Acts and articles are applicable, on top of the abovementioned requirements for employers other than the ship owner:

Act on Allocation of Workers by Intermediaries, art. 1 (1c and 3), and art. 1a, 9, and 10-12.

The Decree Claims of Seafarers, Recruitment and Placement and Temporary Agency Work of Seafarers, art. 9-11.

#### **5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)**

The Act on Allocation of Workers by Intermediaries (Wet allocatie arbeidskrachten door intermediairs - Waadi), art. 1, paragraphs 1 (1 and 2), 1a, 3, 4 and 9-11 and the Decree Claims of Seafarers, Recruitment and Placement and Temporary Agency Work of Seafarers, art. 9-11, regulate the operation of private recruitment and placement services, active in the Netherlands in accordance with the MLC 2006, as amended.

#### **6. Hours of work or rest (Regulation 2.3)**

The Working hours Act, art. 1:1, paragraphs 1 and 2, and the Working Hours Decree Transport, art. 6.4:1-6.4:2 and 6.5.2-6.5.7, regulate the hours of work and rest on board in accordance with the MLC 2006, as amended.

The MLC 2006, as amended, requires Member states to regulate either hours of work or hours of rest. In the Netherlands hours of rest have been stipulated.

#### **7. Manning levels for the ship (Regulation 2.7)**

The Seafarers Act, art. 4 and 5, sets the requirements for manning, taking into account concerns about fatigue, and requires a Minimum Safe Manning Document, in accordance with SOLAS and the MLC 2006, as amended including Regulation 3.2 and Standard A3.2 concerning food and catering.

#### **8. Accommodation (Regulation 3.1)**

The Seafarers Act, art. 48, and the Regulation Seafarers, paragraph 3, art. 3.1-3.12, 3.15-3.17 and 3.19-3.20 and 3.23, regulate the accommodation requirements for ships of which the keel is laid on or after August 20<sup>th</sup> 2013.

#### **9. On-board recreational facilities (Regulation 3.1)**

The Seafarers Act, art. 48, and the Regulation Seafarers, paragraph 3, art. 3.13-3.14 and 3.21-3.22, regulate the requirements for on-board recreational facilities on ships of which the keel is laid on or after August 20<sup>th</sup> 2013.

#### **10. Food and catering (Regulation 3.2)**

The Seafarers Act, art. 48a (1, 3 and 4), and the Regulation Seafarers paragraph 3, art. 3.18 and paragraph 4, art. 4.1- 4.4, regulate the quantity and quality of food, drinking water and catering standards of food preparation in accordance with the MLC 2006, as amended.

The Regulation Seafarers, paragraph 4, art. 4.6 requires a monthly inspection of food and potable water stock.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 120 and 120a, requires a ship's cook or a person certified or instructed in the fields of food, personal hygiene and handling and storage of provisions on board, in accordance with the MLC 2006, as amended.

**11. Health and safety and accident prevention (Regulation 4.3)**

The Occupational Safety and Health Act, art. 1 (1, 2 and 3i), 2 (c), 3, 5, 6, 8, 9, 11, 12, 13, 14, 15, 15(a) and 16.

The Occupational Safety and Health Decree, art. 1.1 (4a), 1.36, 1.37, 1.38, 2.1, 3.2, 3.5 (g and h), 3.8, 3.16, 3.20, 4.1b-4.10d, 4.11-4.23, 4.37-4.54d, 4.84-4.105, 5.2, 5.3, 5.4, 5.5, 5.6, 6.1, 6.3, 6.7, 6.8, 6.11, 6.11b-e, 6.27 (3 and 4), 7.3, 7.4a, 7.5, 7.6, 7.7, 7.9, 7.17a-b, 7.24-7.29, 8.1-8.3, 9.3, and The Occupational Safety and Health Regulation, art. 1.11 regulate health, safety and accident prevention on board, in accordance with the MLC 2006, as amended.

**12. On-board medical care (Regulation 4.1)**

The Regulation Safety Seagoing Ships, art. 25 and 49 and Annex 5, regulate the medical supplies in accordance with the MLC 2006, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 42, sets the requirements for the captain and, if applicable, the seafarer who is responsible for the medical care on board of the ship and the training and certification in medical first aid and medical care in accordance with the STCW 1978, as amended.

The Decree Seafarers Merchant Shipping and Sailing Ships, art. 119, sets the requirements for the physician.

The Regulation Seafarers, paragraph 3, art. 3.12 and 3.20, regulate the requirements for hospital accommodation on ships of which the keel is laid on or after August 20<sup>th</sup> 2013.

**13. On-board complaint procedures (Regulation 5.1.5)**

The Seafarers Act, art. 69a, and the Regulation Seafarers, art. 7.1-7.2 require an onboard complaint procedure in accordance with the MLC 2006, as amended.

**14. Payment of wages (Regulation 2.2)**

The Civil Code, Book 7, art. 616, 625, 626, 628, 631, 706-709 and 715, the Act on Allocation of Workers by Intermediaries (Waadi), art. 8 and the applicable Collective Bargaining Agreement regulate the payment of wages to seafarers in accordance with the MLC 2006, as amended.

**15. Financial security for repatriation (Regulation 2.5)**

The Civil Code Book 7, art. 738a-738d sets the requirements for financial security in accordance with the MLC 2006, as amended.

**16. Financial security relating to ship owners' liability concerning compensation in the event of a seafarer's death or long term disability due to an occupational injury, illness or hazard (Regulation 4.2)**

The Civil Code Book 7, art. 738e, 738f sets the requirements for financial security in accordance with the MLC 2006, as amended.

## Substantial Equivalencies

[TO BE INDICATED AS APPLICABLE]

The following substantial equivalencies, as provided for under Article VI, paragraphs 3 and 4, of the Convention are noted:

1. In derogation of Standard A2.1, paragraph 1 (a) and Standard A2.1, paragraph 4(b), of the Convention, The Netherlands allows seafarers' employment agreements to contain the employers' name and address and be signed not only by the ship owner or a representative of the ship owner, but also by an employer, including a temporary employment agency, other than the ship owner or his representative. This has been arranged in the following provisions to obtain substantial equivalency:
  - Civil Code, Book 7, art. 690, 693, 694, 735, 736, 737 and 738;
  - The Code of Civil Procedure art. 6(b);
  - Act on Allocation of Workers by Intermediaries (Waadi), art. 1(1c and 3) and art. 1a, 8, 9, 9a and 11;
  - Decree Claims of Seafarers, Recruitment and Placement of Seafarers, art. 9-11.

The seafarer concerned enjoys the full protection in accordance with the MLC,2006, as amended.
2. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in art. VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows minimum floor areas on board commercial cruising vessels as presented in the Regulation Seafarers, art. 3.4.
3. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in art. VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on ships of less than 500 GT as presented in the Regulation Seafarers, art. 3.5.
4. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in art. VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for sleeping rooms on passenger ships and special purpose ships as presented in the Regulation Seafarers, art. 3.6.
5. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in art. VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allows substantially equivalent provisions for foreign ships, of which the keel is laid on or after August 20<sup>th</sup> 2013, which are going to sail under Dutch flag, and for ships with an innovative design or an innovative construction as presented in the Regulation Seafarers, art. 3.22.
6. In derogation of Regulation 3.1 and as substantially equivalent provision as referred to in art. VI, paragraph 3 of the Maritime Labour Convention, The Netherlands allow substantially equivalent provisions for special purpose ships to place sleeping rooms without daylight above the load line if the size, the ship type or the intended service of the ship makes another location practically impossible and the light intensity of the lighting in the sleeping rooms is variable to compensate for the lack of daylight as needed by the seafarer.
7. In accordance with Regulation Seafarers art. 3.22, deviations have been granted, with the accompanying equivalent arrangements, both to be specified in an attachment.

8. In accordance with Regulation Seafarers, art. 3.7, paragraph 2, The Netherlands allow substantial equivalent provisions for the location of sleeping rooms above the load line without access to natural light on special purpose ships.
9. No equivalency has been granted

**Exemptions**  
[TO BE INDICATED AS APPLICABLE]

The following exemptions, granted by the competent authority as provided in Title 3 of the Convention, are noted:

1. In accordance with Standard A3.1, paragraph 6(a) of the Convention, as implemented in the Regulation Seafarers, art. 3.2, paragraphs 1 and 2, a reduced height of the accommodation has been granted. The height in the accommodation shall be at least 1930 mm. X
  
2. In accordance with Standard A3.1, paragraph 20, related to Standard A3.1, paragraph 7(b) of the Convention, as implemented in the Regulation Seafarers, art. 3.2, paragraph 3, an exemption has been granted to equip the ship with air conditioning for the seafarer accommodation, the radio room and the centralized machinery control room for ships of less than 200 GT. X
  
3. In accordance with Standard A3.1, paragraph 6(c) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 1, and art. 3.3 paragraph 3 an exemption has been granted with respect to the location of sleeping rooms forward of amidships, aft of the collision bulkhead. X
  
4. In accordance with Standard A3.1, paragraph 9(a) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 4, an exemption has been granted with respect to the availability of an individual sleeping room for each seafarer for special purpose ships and ships of less than 3000 GT with the exemption of passenger ships. X
  
5. In accordance with Standard A3.1, paragraph 9(g) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 5, an exemption has been granted with respect to the floor area of individual sleeping rooms to [at least 3,75] m<sup>2</sup> for passenger ships, special purpose ships and ships of less than 3000 GT. X
  
6. In accordance with Standard A3.1, paragraph 9(m) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 6, an exemption has been granted with respect to the availability of an adjoining sitting room for the master, the chief engineer and the chief officer for ships of less than 3000 GT. X
  
7. In accordance with Standard A3.1, paragraphs 20 (b), related to Standard A3.1, paragraph 9(f) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms to [at least] 3 m<sup>2</sup> for ships of less than 200 GT. X
  
8. In accordance with Standard A3.1, paragraphs 20 (b), related to Standard A3.1, paragraph 9(h) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of sleeping rooms for more than one seafarer to [at least 2] m<sup>2</sup> per seafarer for ships of less than 200 GT. X



9. In accordance with Standard A3.1, paragraphs 20, related to Standard A3.1, paragraph 9 (k and l) of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 7, an exemption has been granted with respect to the minimum floor area of individual sleeping rooms for an officer of [at least] 4 m<sup>2</sup> for ships of less than 200 GT.
10. In derogation of Guideline B3.1.5, paragraph 2 of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 8(a), an exemption has been granted with respect to the availability of private sanitary facilities to sleeping rooms.
11. In derogation of Guideline B3.1.5, paragraph 3 of the Convention, as implemented in the Regulation Seafarers, art. 3.7, paragraph 8(b), an exemption has been granted with respect to the separation of sleeping rooms between the watches and with respect to seafarers working during the day not sharing a room with watchkeepers.
12. In derogation of Guideline B3.1.6, paragraph 1 of the Convention, as implemented in the Regulation Seafarers, art. 3.9, paragraph 2, an exemption has been granted with respect to the presence of separate mess rooms as required in the Regulation Seafarers, art. 3.8 (3, 4 and 5).
13. In accordance with Standard A3.1, paragraphs 10 (a) of the Convention, as implemented in the Regulation Seafarers, art. 3.9, paragraph 3, an exemption has been granted with respect to the location of mess rooms apart from sleeping rooms for ships of less than 3000 GT.
14. In accordance with Standard A3.1, paragraphs 20, related to Standard A3.1, paragraph 13 of the Convention, as implemented in the Regulation Seafarers, art. 3.16, paragraph 2, an exemption has been granted with respect to the availability of laundry facilities if seafarers have sufficient access to laundry facilities onshore for ships of less than 200 GT.
15. In accordance with Standard A3.1, paragraphs 11 (b) of the Convention, as implemented in the Regulation Seafarers, art. 3.11, paragraph 1, an exemption has been granted with respect to the accessibility of sanitary facilities from the navigating bridge, the engine room or the engine room control centre for ships of less than 1600 GT.
16. In accordance with Standard A3.1, paragraph 15 of the Convention, as implemented in the Regulation Seafarers, art. 3.16, paragraph 1, an exemption has been granted with respect to the availability of separate offices or a common ship's office for use by deck and engine room departments for ships of less than 3000 GT.
17. In derogation of Guideline B3.1.11, paragraph 4 (e) of the Convention, as implemented in the Regulation Seafarers, art. 3.14, an exemption has been granted with respect to the presence of a swimming pool.
18. In accordance with Standard A3.1, paragraph 19 of the Convention, as implemented in the Regulation Seafarers, art. 3.17, exemptions have been granted, as specified in an attachment.

19. In accordance with Standard A3.1, paragraph 8, as implemented in the Regulation Seafarers, art. 3.7 paragraph 3, and 3.9 paragraph 1, deviations have been granted, as specified in an attachment.
20. In accordance with Standard A3.1, paragraph 11 (e), as implemented in the Regulation Seafarers, art. 3.11, paragraph 2, deviations have been granted, as specified in an attachment.
21. No exemption has been granted.